

ARTICLE V. ELECTIONS

Section 5.1 Elections.

- (a) *Electors.* Any person who is a resident of the Town, has qualified as an elector of the State, and registers to vote in the manner prescribed by law shall be an elector of the Town.
- (b) *Nonpartisan Elections.* All elections for the Council and Mayor shall be conducted on a nonpartisan basis. The ballot shall not show the party designation of any candidate.
- (c) *Election Dates.* A general election shall be held in even numbered years on the first Tuesday following the first Monday in November, provided however that it is the intent of this Charter that the Town election always be scheduled to coincide with a Countywide election. Accordingly, if the date of the countywide general election changes for any reason, either permanently or temporarily, the date of the Town election shall automatically be changed to the same date as the Countywide election and all dates in this Charter that are dependent on the date of the Town election, including but not limited to the lengths of the terms of office for the Mayor and Councilmembers in Section 2.3 and the qualifying dates for candidates in Section 2.4, shall also be automatically amended and adjusted to coincide with the change of election date. In the case of the terms of office in Section 2.3, such change may result in the lengthening of the terms of office of the elected officials. The Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected Councilmembers except in the case of an emergency affecting life, health, property or the public peace.
- (d) *General Election.* The ballot for the general election shall contain the names of all qualified candidates for Mayor, if the Mayor's term is expiring, and for each of the open Councilmember seats which are to be filled as a result of the members' terms expiring. The ballot shall instruct electors to cast one vote for Mayor, if applicable, and no more than one vote for each open Councilmember seat. The candidate for Mayor receiving the highest number of votes shall be declared duly elected. The candidates receiving the highest number of votes for the open Councilmember seats to be filled shall be declared duly elected.
- (e) *Tie vote.* In case of a tie vote for either the Mayor or Councilmember, a run-off election shall be held. The ballot shall instruct electors to cast one vote for Mayor, and if there is a run-off for Councilmember, then to cast one vote for Councilmember. A run-off election shall be held 21 calendar days after the general election.
- (f) *Special Elections.* Special elections, when required, shall be scheduled by the Council at such times and in such a manner as shall be consistent with this Charter and State law.
- (g) *Single Candidates.* No election for Mayor or any seat shall be required in any election if there is only one duly qualified candidate for Mayor or for any open seat. That

candidate shall be considered elected by operation of law.

- (h) *Commencement of Terms.* The term of office of all elected officials will commence on the day following the day of the general election, or if there is a run off election, the day following the run off election.

Section 5.2 Initiative and Referendum.

- (a) *Power to Initiate and Reconsider Ordinances.*

- i) *Initiative.* The electors of the Town shall have the power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Town officers or employees.
- ii) *Referendum.* The electors of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Town officers or employees.

- (b) *Commencement of Proceedings.* A minimum of ten electors may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit (the "Affidavit") stating they will constitute the petitioners' committee (the "Committee") and be responsible for circulating the petition (the "Petition") and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the Affidavit of the Committee is filed, the Town Clerk shall at the Committee's request, issue the appropriate Petition blanks to the Committee at the Committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the Town Attorney prior to circulation.

- (c) *Petitions.*

- i) *Number of Signatures.* Initiative and referendum petitions must be signed by at least ten percent of the total number of electors registered to vote at the last regular Town election.
- ii) *Form and Content.* All pages of a Petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached

throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

- iii) *Affidavit of Circulator.* Each page of a Petition shall have attached to it when filed an affidavit executed by the circulator stating that s/he personally circulated the page, the number of signatures contained, that all the signatures were affixed in his/her presence that s/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
 - iv) *Filing Deadline.* All Petitions must be filed within 60 calendar days of the date a proper Affidavit is filed pursuant to subsection (b) of this section.
- (d) *Procedure for Filing.*
- i) *Certificate of Clerk; Amendment.* Within 20 calendar days after an initiative Petition is filed or within five business days after a referendum Petition is filed, the Town Clerk shall complete a certificate as to its sufficiency ("the Certificate"). If insufficient the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the Committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A Petition certified insufficient for lack of the required number of valid signatures may be amended once if the Committee files a notice of intention to amend it with the Town Clerk within two calendar days after receiving the copy of the Certificate and files a Supplementary Petition ("Supplementary Petition") with the Town Clerk with additional valid signatures within ten calendar days after receiving the copy of such Certificate. Such Supplementary Petition shall comply with the requirements of subsection (c) of this Section. Within five business days after a Supplementary Petition is filed the Town Clerk shall complete a Certificate as to the sufficiency of the Petition as amended ("Amended Petition") and promptly send a copy of such Certificate to the Committee by registered mail. If a Petition or Amended Petition is certified sufficient, or if a Petition or Amended Petition is certified insufficient and the Committee does not elect to amend or request Council review under paragraph (ii) of this subsection within the time required, the Town Clerk shall promptly present his/her certificate to the Council and such Certificate shall then be a final determination as to the sufficiency of the petition.
 - ii) *Council Review.* If a Petition has been certified insufficient and the Committee does not file notice of intention to amend it or if an Amended Petition has been certified insufficient, the Committee may, within two calendar days after receiving the copy of such Certificate, file a request with the Town Clerk that it be reviewed by the Council. The Council shall review the Certificate at its next regularly scheduled meeting following the filing of such request and approve or

disapprove it. The Council's determination shall then be a final determination as to the sufficiency of the Petition.

(e) *Action on Petitions.*

- i) *Action by Council.* When an initiative or referendum Petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 45 calendar days or fails to repeal the referred ordinance within 30 calendar days, it shall submit the proposed or referred ordinance to the electors of the Town. If the Council fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph, the Council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the Council was authorized to act on such matter.
- ii) *Submission to Electors.* The vote of the Town on a proposed or referred ordinance shall be held not less than 30 calendar days or more than 60 calendar days from the date the Council acted or was deemed to have acted pursuant to paragraph (i) of this subsection. If no regular election is to be held within the period described in this paragraph, the Council shall provide for a special election, except that the Council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- iii) *Withdrawal of Petitions.* An initiative or referendum Petition may be withdrawn at any time prior to the 15th calendar day preceding the day scheduled for a vote by the Town by filing with the Town Clerk a request for withdrawal signed by at least eight-tenths of the Committee. Upon the filing of such a request, the Petition shall have no further force or effect and all proceedings shall be terminated.

(f) *Results of Election.*

- i) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If the proposed initiative ordinance fails, it or any ordinance that is substantially similar, may not be submitted in accordance with this Article for at least one year from the date of the election.
- ii) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for repeal, the repealed ordinance shall be considered repealed upon certification of the election results.